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**RESPONSE UNDER 37 C.F.R. §1.116  
EXPEDITED PROCEDURE  
GROUP ART UNIT: 2655**

PATENT  
ATTORNEY DOCKET NO.: 054791-5004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Yoshimi TOMITA	)	Confirmation No.: 4404
	)	
Application No.: 09/985,838	)	Group Art Unit: 2655
	)	
Filed: November 6, 2001	)	Examiner: J. Ortiz
	)	
For: MULTI-LAYERED DISC AND	)	<b>Mail Stop AF</b>
MULTI-LAYERED DISC	)	
REPRODUCING APPARATUS	)	

Commissioner for Patents  
U.S. Patent and Trademark Office  
**CUSTOMER WINDOW, MAIL STOP AF**  
Alexandria, VA 22314

Sir:

**AMENDMENT TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment in response to the Office Action dated March 14, 2005.
2. Additional papers enclosed:
  - ☐ Submission of Replacement Drawing Sheets
  - ☐ Information Disclosure Statement
  - ☐ Form PTO-1449, \_\_\_\_\_ references included
  - ☐ Citations
  - ☐ Declaration of Biological Deposit
  - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Extension of time fee due with this request: \$-0-.

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	2	minus	20	0	x \$50 each =	+ \$0.00
Independent Claims (37 C.F.R. §1.16(b))	2	minus	4	0	x \$200 each =	+ \$0.00
[ ] First presentation of Multiple dependent claim(s)					\$360.00	+ \$0.00
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						\$0.00

6. Fee Payment

- ☒ No fee is to be paid at this time.
- ☐ The Commissioner is hereby authorized to charge Deposit Account No. 50-0573 in the amount of \_\_\_\_\_.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0573.

Respectfully submitted,

**DRINKER BIDDLE & REATH LLP**



Dated: June 14, 2005

By:

Paul A. Fournier  
Reg. No. 41,023

**Customer No. 023973**  
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Response under 37 C.F.R. § 1.116  
Expedited Procedure  
Examining Group 2655

PATENT  
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Commissioner for Patents  
U.S. Patent and Trademark Office  
**Customer Window, Mail Stop AF**  
Alexandria, VA 22314

Sir:

**AMENDMENT**

In response to the Final Office Action dated March 14, 2005, and pursuant to 37 C.F.R. § 1.116, the period for response to which extends through June 14, 2005, entry of the following amendments is respectfully requested to place the application in clear condition for allowance or, in the alternative, in better form for appeal.